

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:18-CR-452-1-FL

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | |
| v. |) | UNITED STATES' MOTION TO |
| |) | BIFURCATE CONSIDERATION |
| LEONID ISAAKOVICH TEYF, |) | OF D.E. 518 AND TO SET |
| Defendant. |) | ADDITIONAL DEADLINES |

The United States, by and through the United States Attorney for the Eastern District of North Carolina, moves the Court to consider D.E. 518, Defendant's Motion in Limine to exclude 404(b) evidence (government's notice at D.E. 472), in two distinct parts, and to set deadlines for the Defendant to file any additional motions in relation to the government's proposed exhibits for each of the now two pending trials. In support hereof, it is noted:

The pandemic has widely disrupted typical deadlines and scheduling. The government therefore requests the Court's indulgence in considering the below proposal.

At the time of the filing of D.E. 472, and then D.E. 518, one trial was set for all charges against Defendant Teyf. Accordingly, the defendant's motion in limine addressed all aspects of the government's 404(b) notice. However, since the filing of D.E. 518, the Court has severed three counts of the Indictment against Teyf to be tried together, but separately from the remaining counts. The smaller set of charges are to be tried first. That trial is currently set for May 18, 2020, and there is no date yet set for the remainder of the charges.

In partial compliance with the Text Order of March 16, the government has filed its supplement to the earlier-filed 404(b) Notice, as well as response to D.E. 518. See D.E. 558 and D.E. 559. Those filings address, however, only the evidence applicable to the currently scheduled trial set to begin May 18, 2020. For the following reasons, the government requests the Court accept D.E. 559 as compliant with its deadlines at this time, with further filings to be made as follows:

The defendant's motion in limine at D.E. 518 requested the opportunity to file later motions in limine once it received the government's exhibit list. D.E. 518 at 1, n.1. The government's list of exhibits and witnesses for the trial to be had on Counts 27 – 29 has now been provided Defendant, and is ripe for any additional motions regarding that evidence. Given the time remaining even before the first trial, the government requests defendant be given two additional weeks, until April 17, 2020, to file all motions in limine pertaining to the trial set for May 18. Within ten days thereafter, by May 1, 2020, the government would file a response to any other motions in limine pertaining to the government's evidence for that trial.

Similarly, although the trial date is not currently set for the remaining counts, the government propose the Court set a deadline for the government to provide its exhibit and witness lists to the defendant approximately 45 days out from the Court's expectation of that trial date; that defendant have two weeks within which to file any motion in limine pertaining to the proposed exhibits, the government file an omnibus response to the portion of D.E. 518 pertaining to the evidence as well as to any further motions filed within ten days, leaving the Court approximately two weeks prior to that trial to consider the issues. There, too, is a

pending motion in limine regarding the government's expert, which might be addressed in the same time frame.

In light of the counts having been severed and trial schedules disrupted in planning and preparation from an unprecedented threat from a communicable disease, this proposal is made in the interests of efficiency and fairness so that all parties may focus individual filings and matters as appropriate to the trial and counts to which it pertains.

Counsel for defendant has been contacted, and consents to this motion.

Respectfully submitted this 6th day of April, 2020.

ROBERT J. HIGDON, JR.
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CERTIFICATE OF SERVICE

This is to certify that I have this 6th day of April, 2020, served a copy of the foregoing filing upon counsel for the defendant in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF system that will send notification of such filing to:

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